

1 furnish it to you, although I'm not sure the Virgin Islands  
2 is part of the online database. I have gotten certificates  
3 of good standing from a number of other states recently, but  
4 I'm just not sure whether the Virgin Islands participates.

5 BY MR. SHOOK:

6 Q Okay. Now to the best of your understanding, from  
7 the time that Family become the licensee of the stations,  
8 has any person other than your father been in legal control  
9 of the stations by virtue of ownership of the majority of  
10 Family's voting stock?

11 A No.

12 Q To the best of your understanding, from the time  
13 Family became the licensee of the stations, has any person  
14 other than your father been in legal control of the stations  
15 by virtue of the ability to vote the majority of Family's  
16 voting stock?

17 A No.

18 Q To the best of your understanding, from the time  
19 Family became the licensee of the stations, has any person  
20 other than your father been in actual control of the  
21 stations?

22 A No.

23 Q Now I want to direct your attention back to  
24 Deposition Exhibit 3. Again, the information I'm going to  
25 be looking at appears on both page 3 and page 7. And this

1 time in particular I want to focus on line 3. Do you see,  
2 according to this document, that as of December 4, 1995, you  
3 held the position of secretary-treasurer of Family? Do you  
4 see that?

5 A Yes.

6 Q Do you know whether that is accurate?

7 A No.

8 Q You don't know?

9 A I have never served formally as secretary-  
10 treasurer.

11 Q So the only time you have become an officer of  
12 Family is your becoming president in March of this year?

13 A Yes, it is.

14 Q And you have not held an office in Family  
15 Broadcasting, Inc. prior to that time, so far as you know?

16 A So far as I know, no.

17 Q Now could you describe the process, how you became  
18 president of Family?

19 A Well, since February of this year, when the FCC  
20 filed the order -- well, let me back up. I have been trying  
21 to get my father for years to have a communications attorney  
22 on staff so that they can handle any documents with FCC. My  
23 father is the one who felt that he could do everything,  
24 which we know he can't. We found that out. And as a  
25 result, I have been badgering him, so to speak, to seek

1 counsel so that the proper documentations would be filed on  
2 time, anything that has to be done is done the way it should  
3 be, according to FCC rules and regulations. And finally, in  
4 February of this year, when the order came, I was able to  
5 finally sit him down, talk to him, and tell him enough is  
6 enough. He has to make the changes.

7           It's a bitter pill to swallow, but he has to make  
8 the changes if he wants to see the station do exactly what  
9 it should. Otherwise, there is no need to have Family  
10 Broadcasting. And that is not what he wants, but I'm sure  
11 that's not what my mother wants because they made a major  
12 investment, but it should have been run properly from the  
13 beginning. But my father felt that he could do everything  
14 by himself. And this is the end result. So I decided that  
15 I would take the chance, put my name on the line, and see if  
16 I could do what he didn't do, follow the rules and  
17 regulations, bring the station within compliance, and move  
18 on from there.

19           But I finally got him to agree to turn everything  
20 over, and it wasn't easy, if you know him.

21           Q     I haven't had the pleasure.

22           A     Well, it wasn't easy. And he finally agreed. So  
23 he has agreed that I will be president, and he and my mother  
24 will stay out of it. They will have absolutely nothing to  
25 do with the operation. That is my decision. My brothers

1 and I -- and my brothers decided I would be the one to run  
2 the station. And that is why I decided to seek counsel  
3 because I don't have the answers. I have no knowledge of  
4 communications law, absolutely none. And I wouldn't attempt  
5 to do what my father did. And I feel that with the proper  
6 counsel behind me, there is no way I can fall behind or do  
7 something that is not within the purview of the rules of the  
8 FCC.

9 Q So from that answer, I take it that your father  
10 essentially appointed you president?

11 A Well, my brothers decided that none of them wanted  
12 it. So --

13 Q As far as none of them wanting it --

14 A Well, they are all busy with other professions,  
15 and I guess I'm the sacrificial lamb. But I'm willing. I'm  
16 willing.

17 Q Your brothers ganged up on you, and now you're  
18 president, right?

19 A Well, I'm the oldest of four children, and they  
20 decided that they would like me to take care of it. Since I  
21 spent most of my time at the station on a daily basis when I  
22 was not working for the government, and as general manager,  
23 my role essentially was not primarily what a general manager  
24 really does, but just more or less overseeing the daily  
25 operation of the station. And that is why many of the -- a

1 lot of the information that is needed, I have no knowledge  
2 of it. I just oversaw the daily operation of the station as  
3 far as the employees, and that was the extent of it.

4 Q So your becoming essentially was your father and  
5 your mother agreeing to step back --

6 A And let me take it.

7 Q And your brothers and you essentially deciding  
8 that you were the person who was most logical to step in as  
9 an officer of Family due to their circumstances and yours.

10 A Yes.

11 Q Now do any of your brothers have a current role in  
12 Family?

13 A Not as far as the operation. They give  
14 suggestions if that's what you're referring to.

15 Q Well, it was. It was very general in that sense,  
16 just what role, if any, did your brothers have currently in  
17 Family?

18 A Currently, none, at the moment.

19 Q None of them is an officer of Family?

20 A Well, they hold positions, but they have left  
21 everything up to me, to make the decisions. I speak to  
22 them. Everything is on an informal basis. I speak to them,  
23 tell them exactly what I plan to do, and they agree, and  
24 that's it.

25 Q Well, I recognize that because we're talking about

1 family, both in quotes, and literally a corporation, that  
2 things may be done more informally than they might otherwise  
3 be in a situation involving numerous outsiders. But be that  
4 as it may, you are president of Family, correct?

5 A Yes, I am.

6 Q And you have been president since roughly March of  
7 this year, correct?

8 A Yes.

9 Q And all I'm asking is whether any of your brothers  
10 hold a formal position of any kind in Family.

11 A Well, my oldest brothers is the vice president,  
12 and on down the line, the vice president, treasurer, and  
13 secretary. They each hold a position. However, they have  
14 left everything up, as the operation of the station, solely  
15 to me.

16 Q So as a practical matter, you are the person who  
17 is running the stations at this point. You would seek out  
18 your brothers for advice or they would provide input, as  
19 brothers are apt to do.

20 A Yes. And I get a lot of that.

21 Q But ultimately, they would defer to you in  
22 whatever it is that you decide.

23 A Sort of, yes. We tend to disagree a lot. But  
24 once I explain what I'd like to do with a certain thing,  
25 then they understand. Usually, there is no disagreement.

1 They go along with everything.

2 MR. SHOOK: I'd like the next exhibit marked.

3 (The document referred to was  
4 marked for identification as  
5 Deposition Exhibit No. 5)

6 BY MR. SHOOK:

7 Q Now before I go on, could you identify for us what  
8 you understand Deposition Exhibit 5 to be?

9 A Deposition Exhibit No. 5 is the 1996 corporate tax  
10 returns for Family Broadcasting Incorporated.

11 Q Now is it your understanding that this is a copy  
12 of a document that was actually filed with the Internal  
13 Revenue Service?

14 A Yes, it is.

15 Q And that would be so even though, if you look down  
16 at the bottom of page 1, where in the left it says "sign  
17 here" there appears to be no signature above the line that  
18 reads "signature of officer."

19 A Yes. This was a file copy that I came across.

20 Q Now one of the things that we had asked for in our  
21 request for documents, Deposition Exhibit 2, page 3, request  
22 No. 1, were all tax returns filed by Family for the years  
23 1996 to the present. And correct me if I'm wrong, but I  
24 believe what you gave us was the 1996 return that we are now  
25 looking at as Deposition Exhibit No. 5. Part of 1997 tax

1 return, which we have not yet gone into, and nothing for  
2 '98, '99, or 2000.

3 Now if you are aware of something else, please  
4 correct me if I've missed something.

5 A This is what I was able to find in my search.

6 Q Now focusing on Deposition Exhibit No. 5, if you  
7 look down on page 1, across from the line "paid preparer's  
8 use only" and there is a date that appears, and it looks  
9 like it is 07-06-98 -- do you see that?

10 A Yes.

11 Q And do you have any knowledge as to why it was  
12 that Family's 1996 federal tax return apparently was filed  
13 some time after July 6, 1998?

14 A No, I don't, no knowledge.

15 Q Could you tell me who Francisco -- it looks like  
16 Depusoir.

17 A Depusoir.

18 Q Oh, all right. I really killed that one. Okay.  
19 Could you tell me who he is?

20 A He is a certified public accountant that my father  
21 had gotten to take care of the final tax returns for the  
22 station.

23 Q And he is currently used by the family for that  
24 purpose?

25 A I have no knowledge of that. I don't know if he



1 is still being used for that.

2 Q Have you spoken with Francisco -- I'll try not to  
3 kill the last name. I'll just --

4 A Depusoir. No, not recently.

5 Q Have you ever asked him whether or not he has any  
6 copies of Family's financial records?

7 A Well, since I wasn't able to speak to him since I  
8 returned back a month ago, he was not there. He was seeking  
9 medical attention here on the mainland when I returned.

10 Q Now I'd like to direct your attention to page 3 of  
11 the 1996 federal tax return, specifically -- and this is  
12 going to be a little hard to see because of the way the  
13 photocopy came out, but it appears to be schedule K, which  
14 is in the middle of the page, begins in the middle of the  
15 page, question 5. And I'll read that question: "Did any  
16 individual partnership, corporation, estate, or trust at the  
17 end of the tax year own directly or indirectly 50 percent or  
18 more of the corporation's voting stock?" And it appears  
19 that the answer given is no. Do you see that?

20 A Yes, I do.

21 Q Now do you have any explanation as to why the  
22 corporation would have reported no to the question of stock  
23 ownership when everything we have seen, and all of the  
24 answers you have previously given, indicate that your father  
25 has always held 50 percent or more of Family stock, Family's

1 voting stock?

2 A I have no idea.

3 Q Now I'd next like to direct your attention to page  
4 4 of that return. And this would be schedule L. And the  
5 question is No. 19. I'm going to give you my interpretation  
6 of what I'm looking at here, and if you disagree with me,  
7 please so state. It appears that at the beginning of the  
8 tax year, at the beginning of the 1996 tax year, that there  
9 were loans from shareholders in the amount of \$492,155. And  
10 at the end of the tax year, the figure had dropped to  
11 \$442,334. So it would suggest to me that the corporation  
12 repaid approximately \$50,000 to shareholders or stockholders  
13 that had made loans to Family. Would you agree with that  
14 interpretation?

15 A It appears that way.

16 Q Now do you have any knowledge as to who it is that  
17 received the approximately \$50,000 that is referenced here?

18 A No, I don't.

19 MR. SHOOK: I'd like to mark the next deposition  
20 exhibit.

21 (The document referred to was  
22 marked for identification as  
23 Deposition Exhibit No. 6)

24 BY MR. SHOOK:

25 Q Now again, you can see if I have a

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1     misunderstanding of what it is that I'm looking at. But the  
2     five pages that make up Deposition Exhibit 6 is, as I  
3     understand it, part, but not all, of the 1997 federal tax  
4     return for Family Broadcasting, Inc.

5             A     Yes, it is.

6             MR. SHOOK: And that somehow it appears that pages  
7     1 and 2 are missing because you'll note, if you look at the  
8     very top of what I have of Deposition Exhibit 6, it appears  
9     that it begins as page 3. So it suggests that at least  
10    pages 1 and 2 are missing. We may have to correct this at  
11    some point. Apparently, I got something other than what my  
12    associate got. So why don't we take a five minute break.  
13    It would be better to get those other two pages, assuming  
14    that --

15            MR. COLBY: Well, why don't we take a ten minute  
16    break.

17            MR. SHOOK: So you can go have a smoke?

18                    (Laughter)

19            MR. SHOOK: All right. Well, we can come back  
20    about 11:20 then.

21                    (Recess)

22            MR. SHOOK: All right. Well, we could have done  
23    it earlier, but we'll do it now. And that is just to note  
24    that Judge Sippel is in the room with us.

25                    When we left, I had marked some 1997 federal tax

1 return material as Deposition Exhibit 6. It was brought to  
2 my attention that the first two pages had indeed been  
3 supplied to us. I simply didn't communicate well with my  
4 cocounsel and didn't realize that. So we now have a  
5 Deposition Exhibit 6A that includes the first two pages.

6 (The document referred to was  
7 marked for identification as  
8 Deposition Exhibit No. 6A)

9 MR. SHOOK: So, so far as we know, we now have a  
10 complete 1997 corporate federal tax return for Family. And  
11 I'm going to distribute those copies now.

12 (Pause)

13 BY MR. SHOOK:

14 Q Now I'd like to focus your attention again to  
15 page 1. Again, the return appears to have been prepared by  
16 Francisco Depusoir.

17 A Right.

18 Q Prepared again on July 6, 1998. Do you have it?

19 A Yes.

20 Q And again, there does not appear to be the  
21 signature of an officer of Family on this document. Is that  
22 also correct?

23 A Yes, it is.

24 Q And again, I'd like to direct your attention to  
25 page 3, schedule K, question No. 5. And that question

1 reads: "At the end of the tax year, did any individual,  
2 partnership, corporation, estate, or trust own, directly or  
3 indirectly, 50 percent or more of the corporation's voting  
4 stock?" And the answer provided appears to be no. Is that  
5 what you see?

6 A Yes.

7 Q And do you have any explanation as to why a no  
8 answer is given in respect to the situation as it existed at  
9 the end of the 1997 tax year.

10 A No, I don't.

11 Q And moving on to page 4, schedule L, question 19,  
12 this time it appears that at the beginning of the tax year,  
13 the amount of loans from shareholders totaled \$442,334, and  
14 at the end of the tax year, it totaled \$433,370,  
15 approximately a \$9,000 difference. Do you see that?

16 A Yes, I do.

17 Q And would it be your understanding as well that  
18 what these figures represent then is approximately \$9,000  
19 having been returned to stockholders as repayment of  
20 whatever loans may have been made?

21 A Yes.

22 Q And do you have any knowledge as to who those  
23 stockholders might be who had loans or monies returned to  
24 them from loans that they had made to Family?

25 A No, I do not.

1           Q     One thing I didn't ask relative to the other tax  
2     return, which comes to mind here as well, is whether or not  
3     there are any documents that evidence the amount of money  
4     that is actually owed to stockholders by Family as a  
5     consequence of loans made to Family.

6           A     I have no knowledge of that.

7           Q     Now is it your understanding that Family filed a  
8     federal tax return for tax year 1998?

9           A     I have no knowledge of that since I have not been  
10    able to find the documents.

11          Q     And that would also be true of 1999?

12          A     Yes.

13          Q     And also true of 2000?

14          A     Yes.

15          Q     Now returning to Deposition Exhibit 2,  
16    specifically our document request No. 2, are you aware of  
17    any financial statements that have been prepared by or on  
18    behalf of Family from January 1, 1996, to the present?

19          A     No, I am not.

20          Q     Now does Family have any bank accounts other than  
21    checking account No. 76910 at Scotia Bank?

22          A     No, they do not.

23          Q     So, so far as you know, that one account, that one  
24    checking account, is the sole account that Family has?

25          A     Yes, it is.

1 Q Does Family own any real property of any kind?

2 A No, they do not.

3 Q Now one of the documents that your counsel sent to  
4 us yesterday was a lease for an FM transmitter site. Are  
5 you aware of that lease?

6 A Yes, I am.

7 Q And have you taken -- not you; has Family taken  
8 possession of the land yet that is classified in that lease?

9 A No, they have not.

10 Q And is there any particular reason why that has  
11 not occurred?

12 A Well, we filed for the FM. That is for the  
13 location of the FM, and we have filed for that. But until  
14 we get the approval, I have directed them not to move  
15 anything there so that we can be in compliance. But we did  
16 secure the location.

17 Q So assuming that at some point Family gets  
18 approval to construct as new FM site, that you will then  
19 move the equipment at that point?

20 A Yes, we will.

21 Q Does Family owe any money to any creditor pursuant  
22 to a promissory note?

23 A No, not that I am aware of.

24 Q And again, according to the tax returns that we  
25 have looked at, though, specifically page 4 of Deposition

1 Exhibit 6A, for example, if you look at No. 17, under  
2 schedule L, there is a question about mortgages, notes,  
3 bonds payable in less than one year, and the figure \$33,600  
4 appears. Are you aware of whatever indebtedness that refers  
5 to?

6 A No, I am not.

7 Q I believe we had asked about the loans to the  
8 stockholders. And if I remember, your answer was that you  
9 were not aware of any document to reflect what was owed and  
10 to who it was owed.

11 A That's correct.

12 Q And looking at No. 20, according to No. 20,  
13 mortgages, notes, bonds payable in one year or more, the  
14 figure at both the beginning and the end of the year is  
15 \$304,800. Do you see that?

16 A Yes, I do.

17 MR. HUBER: Can you tell me what page that is?

18 MR. SHOOK: Yes. I'm on Deposition Exhibit 6A,  
19 page 4. I'm looking at schedule L, No. 20.

20 MR. HUBER: Okay.

21 BY MR. SHOOK:

22 Q Now according to this, what we just talked about,  
23 the figure \$304,800 appears. Do you see that?

24 A Yes, I do.

25 Q And do you know what indebtedness that represents?



1           A     No, I do not.

2           Q     Do you happen to know whether Family has any  
3 indebtedness at this time?

4           A     I'm not aware.

5           Q     Do you have any knowledge as to what Family's  
6 current net worth is?

7           A     No, I have not.

8           Q     Now do you have any estimates as to how much it  
9 will cost to bring WSTX and WSTX FM into compliance with the  
10 Commission's rules?

11          A     I have gotten some information from the engineers.  
12 Yes, I have.

13          Q     And what are the total of those estimates?

14          A     They are just approximations currently, and for  
15 the FM, I think it is approximately \$20- to \$25,000, and for  
16 the AM, it would just include the costs of the tower. And I  
17 believe that is approximately \$13,000, the last -- \$10- to  
18 \$13,000 was the last quotation I had seen.

19          Q     Are any of those estimates in writing, or were  
20 they just transmitted to you orally?

21          A     I got them orally, but I do believe the engineer  
22 had some information that he had gotten when he was checking  
23 different antenna companies just to get approximate charges  
24 for the cost of the antenna.

25               MR. COLBY: Mr. Shook, I think I've advised you

1       that we are filing an application to cut the height of that  
2       AM tower from 305 feet to 190 feet. And we have been asking  
3       whether the AM estimate is for the 190-foot tower or the  
4       305-foot tower. Let me know if you're not clear on that.

5                   BY MR. SHOOK:

6           Q       What is your understanding as to --

7           A       That was for the -- the \$10- to \$13,000 would  
8       cover the 190-foot tower.

9           Q       Now I had asked before about the source of the  
10       money that was going to be used to bring WSTX and WSTX-FM  
11       into compliance with the Commission's rules. And if I  
12       remembered, your answer was that your mother had promised to  
13       lend you the money? Was it lend Family the money?

14          A       Yes. Yes, it was.

15          Q       And that that promise was made orally?

16          A       Yes, it was.

17          Q       There is no writing that evidences that promise?

18          A       No their isn't.

19          Q       Now as I understand it, you are currently employed  
20       by Family?

21          A       I am not a paid employee.

22          Q       Have you ever been a paid employee of Family?

23          A       From 1990 to 1992. That was the only time.

24          Q       So when you returned as station general manager or  
25       general manager of those stations in July of 1998, you did

1 so as an unpaid employee?

2 A Yes, I did.

3 Q So that would explain why, in response to our  
4 request for W2s, there were none, because you didn't get  
5 anybody.

6 A That's correct.

7 Q Do you receive any paid benefits of any kind as a  
8 result of your working for Family as general manager?

9 A No, I don't.

10 Q Is there a retirement plan of any kind for which  
11 Family is paying a benefit to you as a result of your being  
12 general manager?

13 A No, there isn't.

14 Q Is Family covering the expense of your attendance  
15 at this deposition?

16 A The airline ticket. Well, it is not Family  
17 specifically. It is my parents who purchased the ticket.

18 Q Is there an employment contract that governs your  
19 relationship with Family?

20 A No, there isn't.

21 Q Has there ever been an employment contract  
22 governing your relationship with Family that was created on  
23 or after July 1, 1998?

24 A No.

25 Q Now currently, what are your duties as general

1 manager?

2 A Currently, just overseeing the daily operation of  
3 the station. And as far as the employees are concerned,  
4 setting up schedules, making sure everyone is there,  
5 handling -- I assist in the office with traffic, prepare the  
6 station notes, do a little bit of sales. I do a little bit  
7 of everything.

8 Q Do you have the ultimate authority when it comes  
9 to hiring and firing employees?

10 A Yes, I do.

11 Q Do you have the ultimate authority in determining  
12 what the compensation for employees is?

13 A Yes, I do.

14 Q Now is there anyone that you currently report to?

15 A Well, the only person would have been my parents.

16 Q Would have been?

17 A Yes.

18 Q And then --

19 A But as of March, I have been dealing with  
20 everything solely on my own.

21 Q And in terms of what we talked about before, there  
22 are matters about which you consult with your brothers?

23 A Yes.

24 Q And those matters would include what? If you  
25 could give us some examples.

1           A     Well, it would include the daily operation as far  
2     as the type of programming, whether we have talk shows, we  
3     don't have talk shows, you know, what type of music is  
4     played, who should be the news -- you know, handle the news.  
5     We have one news director, and he handles all of the news  
6     for us, the reporting, the gathering of the news,  
7     everything. And we have one program director who handles --  
8     he is responsible for all the announcers, setting up -- he  
9     is also production manager, so he is responsible for all of  
10    the spots being recorded. And they just make sure that  
11    everything is done according to their liking, you know, what  
12    they feel that proper programming should be for WSTX.

13          Q     Well, just out of curiosity, what kind of  
14    programming does WSTX --

15          A     Okay. We are primarily a Caribbean format. We  
16    play Caribbean music. We have talk shows. We have a lot of  
17    public service that we provide to the community. We have  
18    various government departments that receive air time:  
19    Department of Public Safety, the consumer -- like a consumer  
20    affairs. We've had Department of Agriculture. And that is  
21    the way that they disseminate information to the people of  
22    the Virgin Islands because we, to the best of my knowledge,  
23    we were the only station that provided that service to the  
24    government free of charge.

25          Q     And that would involve approximately how much of

1 the broadcast day?

2 A Each program that we do, it's once a week,  
3 approximately one hour, for each department.

4 Q And how many departments are involved?

5 A Currently, we have -- it's either two or three.  
6 And I know the Virgin Islands National Guard was interested.  
7 I spoke to someone last week.

8 Q Who sets the advertising rates for the stations?

9 A Well, we had a sales manager. We have not had a  
10 sales manager since 1995, 1996. And what we have done  
11 because of the poor economy, we have never raised any of the  
12 rates, so we have kept everything constant since September  
13 of 1990. So the rates have not changed. Whatever the rates  
14 were in 1990, those are the current rates we are using.

15 Q Who handles the money that comes to and goes out  
16 of the stations?

17 A Whatever money comes in, a record is kept and the  
18 money is deposited in the checking account, and that is what  
19 is used for payroll or any other expenses that we have.

20 Q But who is the person who actually gets the money,  
21 deposits it?

22 A I do that. But in my absence, it would be -- I  
23 have asked my father to do that since he and my mother are  
24 the ones who can make the deposits at the bank. But that  
25 has to be changed once everything is --

1           Q     So at this point, who has signature authority on  
2     the checking account?

3           A     My mother and my father. That hasn't been changed  
4     yet, but that will be changed. Since I am up here, they are  
5     the only ones, and it requires two signatures.

6           Q     In other words, a check that Family writes to pay  
7     any of its bills has to have two signatures on it?

8           A     Yes, it does.

9           Q     And at this point, those two signatures are your  
10    father and your mother?

11          A     In my absence, yes.

12          Q     And what happens if you are there?

13          A     If I'm there, then my mother and I would sign.  
14    Well, I have only been back there one month. And I spend a  
15    lot of time trying to find documents, so I never got to the  
16    bank. But that's one of the first things that has to be  
17    changed so that my father has no part in it.

18          Q     But at this point, you do have signature authority  
19    on the account?

20          A     Yes, I do.

21          Q     And how long have you had such authority?

22          A     Since September of 1990.

23          Q     And that authority has been continuous?

24          A     Yes, it has.

25          Q     Does Family create and/or maintain station logs

1 for the stations?

2 A Yes, we do. We have the program log.

3 Q I'm afraid what I'm getting at is a term of art.  
4 And this will be -- I'm not asking you for a legal -- I'm  
5 not worried about the legal definition at this point. I'm  
6 strictly concerned with your understanding. Is it your  
7 understanding that station logs are maintained for the AM  
8 and the FM station?

9 A Yes, they are.

10 Q And are you aware that in our document request,  
11 which is Deposition Exhibit 2, No. 13, which appears on page  
12 5 of the document request, that one of the things that we  
13 had asked for was station logs created on or after  
14 January 1, 2001.

15 A Yes.

16 Q Is it your understanding that you have produced  
17 those to us?

18 A Yes, I have.

19 MR. SHOOK: And we're both looking at the same  
20 thing here, so let me distribute this. It's Deposition  
21 Exhibit 7.

22 (The document referred to was  
23 marked for identification as  
24 Deposition Exhibit No. 7)

25 BY MR. SHOOK:

Heritage Reporting Corporation  
(202) 628-4888



1           Q     Now could you tell us what Deposition Exhibit 7  
2 is?

3           A     These are the printouts for the emergency alert  
4 system for radio stations WSTX.

5           Q     And it would be your understanding that this  
6 material constitutes the station logs that are referred to  
7 in our request No. 13?

8           A     Yes.

9           Q     And is that all the material that would be covered  
10 by that request, so far as you know?

11          A     No.

12          Q     And what other material might there be?

13          A     The lighting of the tower.

14          Q     And is there a record of that maintained anywhere?

15          A     Well, we currently have no tower, so there is no  
16 record.

17          Q     But getting back to the question then, would there  
18 be any other material that you would be submitting to us in  
19 response to document request No. 13 --

20          A     Not that I am aware of.

21          Q     Now previously I had asked you about the format of  
22 WSTX. Is there a different format for WSTX FM?

23          A     No. They're currently being simulcast.

24          Q     Now with respect to Deposition Exhibit No. 7, I  
25 take it that these documents would also be evidence of WSTX

1 and WSTX FM's current compliance with the Commission's rules  
2 concerning the emergency alert system?

3 A Yes, it is.

4 Q Are there any documents which evidence whether  
5 there is a fence that encloses the antenna tower of WSTX?

6 A I do believe there is a document, but I don't have  
7 that document with me.

8 MR. COLBY: I think the document she may be  
9 referring to -- there is an inspector's report that reports  
10 that there is a fence. You furnished it to me, I think,  
11 that the inspector inspected, and found that there was a  
12 fence, but found that the fence had a hole in it. And I  
13 think that may be the document she is thinking of. If we  
14 didn't receive some such document from you, I may have it  
15 here with me somewhere.

16 BY MR. SHOOK:

17 Q At this point in time, is the antenna tower for  
18 WSTX completely enclosed by a fence?

19 A Yes, it is.

20 Q So whatever hole it was that existed has now been  
21 repaired?

22 A Yes, it was two days after the inspector was  
23 there.

24 Q Now does your father have any current role in  
25 operating either WSTX or WSTX FM?

1           A     No, not as far as the operation.

2           Q     Is there something about -- does he have any  
3 involvement whatsoever, besides writing checks that we have  
4 talked about, with respect to Family Broadcasting, Inc.?

5           A     Well, recently, have I had to use him -- he is  
6 also an announcer, and I have had to use him to fill in for  
7 someone who was sick. And that's the only role that he has  
8 played. And when he is there, he plays religious music for  
9 the religious community.

10          Q     You mean when your father appears as a disc  
11 jockey?

12          A     Yes.

13          Q     I want to return you in time to September 8, 1998.  
14 And it is my understanding that you accompanied an agent  
15 from our San Juan, Puerto Rico, office during an onsite  
16 inspection of WSTX and WSTX FM. Is that correct?

17          A     I did.

18          Q     Now at that time, you saw that EAS equipment  
19 installed at the station's main studio was not operational?

20          A     What date was that?

21          Q     The September 8, 1998, inspection. So this would  
22 have taken place just several months after you resumed as  
23 the station's general manager.

24          A     I don't recall whether it was operational. But I  
25 know we did have the equipment. But I don't recall.

1           Q     So you don't remember it being brought to your  
2     attention that the EAS equipment was not operational at that  
3     time?

4           A     Not that I can recall.  If it was, I honestly  
5     don't recall.

6           Q     And did there come a time when you became aware  
7     that Family was not operating WSTX FM's transmitter from its  
8     authorized transmitter site?

9           A     Yes.

10          Q     Approximately when did you become so aware?

11          A     When I saw the notice, the violate order of the  
12     violations.

13               MR. SHOOK:  Well, now, there could be several  
14     things involved there, so let me -- okay.  I'm going to have  
15     marked eight and nine.

16                               (The document referred to was  
17                               marked for identification as  
18                               Deposition Exhibit No. 8)

19                               (The document referred to was  
20                               marked for identification as  
21                               Deposition Exhibit No. 9)

22               BY MR. SHOOK:

23          Q     I believe eight refers to the AM station and nine  
24     should refer to the FM station.  It's a little hard to pick  
25     out since everything else seems to be so similar.  Okay.

1 First of all, with respect -- I started to ask about the FM  
2 station, so let me focus at this point on Deposition Exhibit  
3 No. 9. Did you receive a copy of Deposition Exhibit No. 9  
4 on or about May 1, 2000?

5 A Yes, I did.

6 Q And with respect to whether or not the FM station  
7 was operating at its authorized site, what if anything did  
8 you understand as a consequence of receiving this notice of  
9 violation as to whether or not that was the case?

10 A That was when I found out that it had not been  
11 legally moved to the current studio site. But prior to  
12 that, I had no knowledge that it had been moved without  
13 consent of FCC.

14 Q In other words, prior to May 2000, you were not  
15 aware that the FM station was not operating at its  
16 authorized site?

17 A That's correct.

18 Q Would it also be the case that as a result of this  
19 May 1, 2000, notice of violation that you became aware that  
20 the FM station was not operating at its authorized power?

21 A Yes.

22 Q And you didn't know about that beforehand?

23 A No, I was not aware.

24 Q And you also became on or about May 1, 2000, that  
25 the antenna height for WSTX was not the authorized height?

1 A For the FM?

2 Q Yes.

3 A Yes.

4 Q And you were not aware of that before May 1, 2000?

5 A No, I was not aware.

6 Q As a result of receiving this notice of violation,  
7 what if anything did you do about it?

8 A Well, that was when I asked my father about it,  
9 and that's when I told him that we had to get counsel so  
10 that we could file the proper documents in order to come  
11 within compliance, as far as moving the assigned site to the  
12 current site, where it was.

13 Q And what if anything did your father do about it,  
14 so far as you knew?

15 A As far as I know -- well, eventually, I found out  
16 he did nothing. But he was the one that usually handled all  
17 of the communications as far as dealing with FCC. So I left  
18 it up to him.

19 Q Do you happen to know whether Family currently has  
20 special temporary authorization or any other kind of  
21 authorization to operate WSTX FM at variance from the terms  
22 of its license?

23 A I think we have filed the appropriate documents.

24 Q You filed a request to get --

25 A Yes.